

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOE LOUIS LEA,

No. 2:03-cv-0809-MCE

Petitioner,

v.

**ORDER**

EDWARD S. ALAMEIDA, JR.,  
and SILVIA GARCIA, Warden,

Respondents.

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On December 15, 2005, the Ninth Circuit Court of Appeals reversed and remanded the June 14, 2004, Judgment of this Court, wherein Petitioner's Application for Writ of Habeas Corpus had been denied. The Ninth Circuit directed this Court to grant a Conditional Writ of Habeas Corpus whereby Petitioner is to be released from custody unless the state elects to retry Petitioner within an appropriate period of time.

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1 Accordingly, IT IS HEREBY ORDERED that Petitioner be  
2 released from custody unless, within sixty (60) days from the  
3 date of this order, the state determines that Petitioner is to be  
4 retried and so informs this Court in writing.

5 DATE: December 28, 2005

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9 MORRISON C. ENGLAND, JR.  
10 UNITED STATES DISTRICT JUDGE  
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